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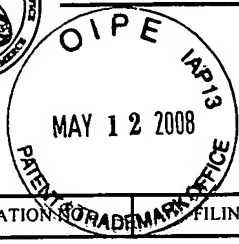
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/537,445

06/02/2005

Thomas May

2816-2

1871

7590
The Maxham Firm
750 B Street
Suite 3100
San Diego, CA 92101

05/02/2008

EXAMINER

CRANMER, LAURIE K

ART UNIT

PAPER NUMBER

3636

MAIL DATE

DELIVERY MODE

05/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/537,445	Applicant(s) MAY, THOMAS	
	Examiner Laurie K. Cranmer	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9, 10, 13, 14, 17, 18, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9 and claim 10, line 2 "the extension" has no definite antecedent basis; and in line 2 "the end of said arm unit" is vague.

Claims 13, 14, 17, 18, 21 and 22 are indefinite in that they depend from an indefinite base claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-22, so far as definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Harrison.

The work plates are 66, for a keyboard, and 77, for a mouse, which are pivotally attached to arm units 46 and 48 and selectively positionable in a sitting or standing position (the arms are vertically adjustable at 24, 26).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bujaryn, Ko et al, Peters, Sher et al (060), Sher et al (658), Howard, Brennan, Ostergaard, et al, Trimnell, Rosko, Noisueux, McNally, Bryan, Dearing et al, Santa Rosa et al, Goodall, Avedissian et al, De Miranda, Christensen (939) and Christensen (317) all teach devices similar to that of the instant invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie K. Cranmer whose telephone number is (571) 272-6855. The examiner can normally be reached on M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurie K. Cranmer
Primary Examiner
Art Unit 3636

Application/Control Number: 10/537,445
Art Unit: 3636

Page 4

/Laurie K. Cranmer/
Primary Examiner, Art Unit 3636

Notice of References Cited	Application/Control No. 10/537,445	Applicant(s)/Patent Under Reexamination MAY, THOMAS	
	Examiner Laurie K. Cranmer	Art Unit 3636	Page 1 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-3,488,089 A	01-1970	BRENNAN EDWARD J	297/162
*	B	US-4,566,732 A	01-1986	Ostergaard et al.	297/174R
*	C	US-4,925,240 A	05-1990	Peters, William T.	297/161
*	D	US-5,490,710 A	02-1996	Dearing et al.	297/162
*	E	US-5,542,746 A	08-1996	Bujaryn, L. Walter	297/423.12
*	F	US-5,612,718 A	03-1997	Bryan, Jed A.	345/168
*	G	US-5,653,499 A	08-1997	Goodall, Kirk Bryant	297/170
*	H	US-5,709,365 A	01-1998	Howard, Scott C.	248/454
*	I	US-5,727,759 A	03-1998	Christensen, Leslie Palmatier	248/118
*	J	US-5,893,607 A	04-1999	Trimnell, Ralph R.	297/170
*	K	US-6,045,179 A	04-2000	Harrison, Paul A.	297/188.2
*	L	US-6,206,464 B1	03-2001	Santa Rosa et al.	297/173
*	M	US-6,311,939 B1	11-2001	Christensen, Leslie Palmatier	248/118.3

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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Notice of References Cited	Application/Control No. 10/537,445	Applicant(s)/Patent Under Reexamination MAY, THOMAS	
	Examiner Laurie K. Cranmer	Art Unit 3636	Page 2 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,354,658 B1	03-2002	Sher et al.	297/188.14
*	B	US-6,422,646 B1	07-2002	McNally, Michael Francis	297/170
*	C	US-6,520,587 B2	02-2003	Noiseux, Lyne	297/411.37
*	D	US-6,619,747 B2	09-2003	Ko et al.	297/423.12
*	E	US-6,619,598 B2	09-2003	De Miranda, Teresa Elias Chacur	248/118.3
*	F	US-6,702,373 B2	03-2004	Rossko, Dennis D.	297/173
*	G	US-6,773,060 B2	08-2004	Sher et al.	297/188.14
*	H	US-6,908,157 B1	06-2005	Avedissian et al.	297/411.24
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

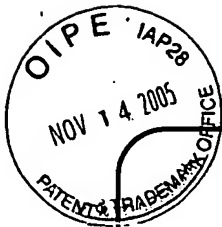
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Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

10537445 - GAU: 3636 ^{TFW}
~~3632~~**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/537,445
Filing Date	2 June 2005
First Named Inventor	Thomas May
Art Unit	3632
Examiner Name	
Attorney Docket Number	2816-2

ENCLOSURES

1. Information Disclosure Statement (1 page);
2. Information Disclosure Statement by Applicant (PTO/SB/08A) (1 page);
3. Copies of cited Foreign References (2 References);
4. Copy of Int'l Search Report (3 pages); and
5. Return postcard.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	The Maxham Firm Lawrence A. Maxham, Reg. No. 24,483
Signature	<i>Lawrence A. Maxham</i>
Date	10 November 2005

CERTIFICATE OF MAILING/TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (USPTO) or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Typed or printed name	Lawrence A. Maxham, Reg. No. 24,483		
Signature	<i>Lawrence A. Maxham</i>	Date	10 November 2005

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"PATENT"



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

THOMAS MAY ET AL.

SERIAL NO.: 10/537,445

FILED: 2 June 2005

FOR: SUPPORT DEVICE FOR A CHAIR,
 SAID DEVICE PROVIDING AN
 ERGONOMIC WORKING POSITION,
 BOTH STANDING UP AND
 SITTING DOWN, RESPECTIVELY

Group No: 3632

Examiner: UNKNOWN

Commissioner for Patents
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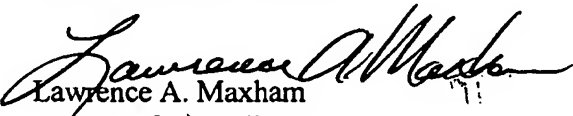
INFORMATION DISCLOSURE STATEMENT

Applicant hereby cites the documents listed in accompanying Form PTO/SB/08A with respect to the above-referenced patent application under the provisions of 37 CFR, §§ 1.56, 1.97 and 1.98. Applicant is not submitting a copy of the cited U.S. patent, but submits herewith copies of the cited foreign patent documents. Also enclosed is a copy of the ISR. The filing of this Information Disclosure Statement will not be construed to mean that a search was conducted or that no other material information, as defined by 37 CFR 1.56, exists.

The Examiner is respectfully requested to make the listed documents of record in connection with the prosecution of the subject application.

Respectfully submitted,

THOMAS MAY ET AL.

By: 
 Lawrence A. Maxham
 Attorney for Applicants
 Registration No. 24,483

THE MAXHAM FIRM

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet	01	of	01
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Complete if Known

Application Number	10/537,445
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Filing Date	2 June 2005
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First Named Inventor	Thomas May
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Group Art Unit	3632
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Examiner Name

Attorney Docket Number | **2816-2**

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FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature	/Laurie Cranmer/	Date Considered	04/23/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

² Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁵ Applicant is to place a check mark here if English language Translation is attached.

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